

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 314 OF 2006

Prasad Bhavan Krishnan Nair Shaji ..Petitioner.

Vs.

Union of India & Ors. ..Respondents.

Mr. S.V. Marne for the Petitioner.

Mrs.N.V.Masurkar with Mr.Y. R.Mishra for Respondents.

CORAM : F.I. REBELLO AND
 ANOO V. MOHTA, JJ.

DATED : 08TH MARCH, 2006.

P.C.:

1. It is the grievance of the petitioner that the promotion given to him by order dated 25th May, 2005 was cancelled on 27th May, 2005 without giving him an opportunity of hearing and consequently, the same is in violation of the principles of natural justice and fair play.

2. It is pointed out that the petitioner was not sent for training to Bhopal on the ground that he fall in the low medical category of S2A2. This was informed

to the petitioner by communication dated 25th February, 2003. The learned counsel further draws our attention to a communication of 16th June 2003 and the list enclosed therewith to show that several other officers who were in the low medical category of S2A2 and S3A2 were also sent for the training to Bhopal. It is also pointed out that in terms of Rule 30 of Coast Guard (Seniority & Promotion) Rules, 1986, the Director-General may promote a limited number of outstanding enrolled personnel even though not fully qualified for promotion. It is pointed out that, in the instant case, the respondents have found the petitioner falling in the low medical category for the purpose of training at Bhopal and as such the petitioner was not promoted. We do not propose to consider this contention today. Suffice it to say, it will be open to the petitioner to make a representation to Respondent No.2 and it is for Respondent No.2 to consider the contention urged by the petitioner.

3. The petitioner to make the representation within a period of four weeks from today and thereafter, the respondent No.2 to dispose of the same in accordance with law within a period of 12 weeks.

4. It is made clear that this court has not decided

the merits of the matter.

5. Rule is made absolute accordingly and the petition is disposed of.

08.03.2006

(F.I.Rebello, J)

(Anoop V.Mohta, J)

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